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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,218	09/27/2001	Peter J. Wagener	P6051	3868
45774	7590	09/09/2005	EXAMINER	
KUDIRKA & JOBSE, LLP ONE STATE STREET, SUITE 800 BOSTON, MA 02109			CORRIELUS, JEAN M	
			ART UNIT	PAPER NUMBER
			2162	
DATE MAILED: 09/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Allowability**

Application No.

09/965,218

Applicant(s)

WAGENER ET AL.

Examiner

Art Unit

Jean M. Corielus

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's amendment filed on August 30, 2005.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
JEAN M. CORIELUS  
PRIMARY EXAMINER

### DETAILED ACTION

1. This office action is in response to the Examiner amendment filed on August 30, 2005, which claims 1-26 are presented for further examination.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul E. Kudirka (Reg. No. 26,931) on August 30, 2005.

The application has been amended as follows:

#### **In Claim:**

1. (Currently Amended) A method for managing data volumes from a management terminal in a distributed computer system having a host computer system with at least one storage device connected to the computer system by driver software, the method comprising:

(a) inserting an interface layer between the driver software and the storage device, the interface layer exporting a platform dependent API comprising a plurality of API methods ~~that can be~~ are called to control data passing between the driver software and the storage device;

(b) running, in the host computer system, management facade software ~~that~~ , wherein said management facade software receives calls to platform-independent methods and generates at least one API method call to the interface layer in order to execute the platform-independent method calls;

(c) running, in the host computer system, a federated bean ~~that~~ , wherein said federated bean discovers data volumes in the storage device and generates platform-independent method calls to the management facade to control the interface layer via the plurality of API methods; and

(d) controlling the federated bean to display and configure the data volumes.

12. (Currently Amended) An apparatus for managing data volumes from a management terminal in a distributed computer system having a host computer system with at least one storage device connected to the computer system by driver software, the apparatus comprising:

an interface layer ~~that~~ is inserted between the driver software and the storage device, the interface layer exporting a platform dependent API comprising a plurality of API methods ~~that can be~~ are called to control data passing between the driver software and the storage device;

management facade software in the host computer system ~~that~~ , wherein said management facade software receives calls to platform-independent methods and generates at least one API method call to the interface layer in order to execute the platform-independent method calls;

~~a federated bean in the host that~~ running, in the host computer system, a federated bean, wherein said federated bean discovers data volumes in the storage device and generates platform-independent method calls to the management facade to control the interface layer via the plurality of API methods; and

a presentation program ~~that~~ controls the federated bean to display and configure the data volumes.

Please cancel claim 26 without prejudice.

***Allowable Subject Matter***

3. The present application has been thoroughly reviewed. Upon searching a variety of databases and reviewing further Patent owner's arguments, the examiner respectfully submits that claims 1-25 are allowable in light of the examiner's amendment and in light of the prior art made of record.

Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office action, **only if formal drawings have not yet submitted**. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

***Conclusion***

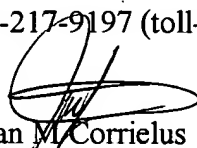
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M. Corrielus  
Primary Examiner  
Art Unit 2162

August 30, 2005